

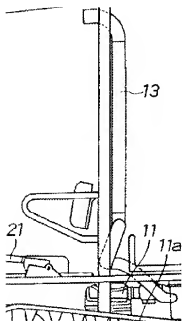
REMARKS

Claims 1-43 are now pending in the present application, Claims 1, 2, 4, 7, 8, 12, 13-15, 21, and 22 having been amended, and new Claims 24-43 having been added. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ or ~~[[double brackets]]~~ and additions being underlined.

In response to the Office Action mailed February 2, 2007, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claims 1, 2, 4, 7, 12-16 and 18-23 Are Not Anticipated by Matsumoto et al.

Claims 1, 2, 4, 7, 12-16 and 18-23 stand rejected as anticipated by Matsumoto et al. (United States Patent No. 5,950,748). Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present Application, Applicants have amended



Claims 1, 21, and 23. Applicants expressly reserve the right to further prosecute the original versions of Claims 1-23 through continuation practice.

Matsumoto et al. teaches a crawler belt vehicle having an elongated intake pipe 13 for feeding *combustion* air to the combustion chamber of the engine 11. As shown in the enlarged portion of Figure 5 of Matsumoto et al. reproduced adjacently hereto, the intake pipe 13 appears to be connected to a carburetor, which is in turn, connected to the top of the engine 11.

Matsumoto et al., however, fails to teach intake and outlet ducts connected to a housing of a *transmission*, where air from the intake duct flows across the portion of the transmission and then flows out of the outlet duct.

In contrast, Claim 1 now recites, among other recitations, an “off-road vehicle comprising a frame, at least first and second seats supported by the frame in a side-by-side arrangement, a plurality of wheels arranged to support the frame, an internal combustion engine disposed between the first and second seats and having a crankshaft configured to rotate, a transmission arranged to transmit the rotation of the crankshaft to at least one of the wheels, and a housing configured to house at least a portion of the transmission, the housing having an air inlet duct through which ambient air enters the housing and flows across the portion of the transmission and an air outlet duct through which the air leaves the housing, the air inlet duct having an inlet opening, the outlet duct having an outlet opening, the inlet and outlet openings positioned higher than the wheels.”

Claim 21 now recites, among other recitations, an “off-road vehicle comprising a frame, at least first and second seats supported by the frame in a side-by-side manner, a plurality of wheels arranged to support the frame, an internal combustion engine having a crankshaft configured to rotate, a transmission arranged to transmit the rotation of the crankshaft to at least one of the wheels, a housing configured to define a chamber around at least a portion of the transmission, and means for introducing ambient air into the chamber and discharging the air from the chamber and for inhibiting water from entering the chamber.”

Additionally, Claim 22 now recites, among other recitations, an “off-road vehicle comprising a frame, a plurality of wheels arranged to support the frame, an internal combustion engine having a crankshaft configured to rotate, a transmission arranged to transmit the rotation of the crankshaft to at least one of the wheels, a housing configured to house at least a portion of the transmission, the housing having an air inlet duct through which ambient air enters the housing and flows across the portion of the transmission and an air outlet duct through which the air leaves the housing, the air inlet duct having an inlet opening, the air outlet duct having an outlet opening, and a seat defining a sitting surface on which a driver or passenger of the vehicle sits, the inlet opening being positioned at generally the same elevation as or higher than the sitting surface, the outlet opening being positioned generally close to the elevation of the sitting surface.”

As noted above Matsumoto et al. has no teaching whatsoever of an arrangement of intake and outlet ducts feeding air across a portion of the transmission that is housed in a housing or a chamber. Thus, Applicants submit that Claims 1, 21, and 22 clearly and non-obviously define over the Matsumoto et al. reference.

Claims 2, 4, 7, 12-16, 18-20, and 23 also define over the Matsumoto et al. reference, not only because they depend from Claim 1, but also on their own merit.

Allowance of Claims 8, 10 and 11

Applicants gratefully acknowledge the Examiner's indication that Claims 8, 10 and 11 would be allowable if amended into independent form. In response, Applicants have amended Claim 8 into independent form, without any substantive change. Because Claims 10 and 11 depend from Claim 8, Claims 8, 10, and 11 are now in condition for allowance.

Additionally, Applicants would like to note that because Claim 8 has been amended into independent form without any substantive change, this amendment does not present an abandonment of any range of equivalents of the original recitations of Claim 8. Rather, all of the equivalents of the original recitations of Claim 8 are also equivalents of the present recitations of Claim 8.

New Claims 24-43

Applicants have added new Claims 24-43, which are fully supported by the specification as originally filed. Thus, the addition of Claims 24-43 does not present new matter.

Additionally, in support of these new claims, Applicants respectfully direct the Examiner to Figures 1, 2, and 6 and the accompanying text.

As noted above, Applicants submit that Claims 1 and 21 clearly and non-obviously define over the Matsumoto et al. reference. Thus, Applicants submit that Claims 24-35 also define over the Matsumoto et al. reference, not only because they depend from Claim 1 or 21, but also on their own merit.

With regard to new Claims 36-43, Applicants submit that these claims also define over the cite art. For example, but without limitation, Applicants would like to point out that the cited references do not disclose an "off-road vehicle comprising a frame, at least a first seat supported by the frame, a plurality of wheels arranged to support the frame, an internal combustion engine having a crankshaft configured to rotate, a transmission arranged to transmit the rotation of the

crankshaft to at least one of the wheels, and a housing configured to house at least a portion of the transmission, the housing having an air inlet duct through which ambient air enters the housing and an air outlet duct through which the air leaves the housing, the air inlet duct having an inlet opening, the outlet duct having an outlet opening, the inlet and outlet openings positioned higher than the wheels, and wherein at least a portion of the outlet duct is disposed under the seat” as recited in new Claim 36. Thus, Applicants submit that Claim 36 clearly and non-obviously defines over the Matsumoto et al. reference.

Additionally, Applicants submit that Claims 37-43 also define over the Matsumoto et al. reference, not only because they depend from Claim 36, but also on their own merit.

Housekeeping

The Specification has been amended to add the Application Serial Numbers of the co-pending patent applications incorporated by reference in paragraph [0032] of the present Application and to be consistent with the Preliminary Amendment filed July 16, 2004. No new matter has been introduced. Applicants thus request entry of the present amendments to the Specification.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Appl. No. : **10/803,274**
Filed : **March 18, 2004**

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: July 3, 2007

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